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**UNITED STATES DISTRICT COURT**


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**EASTERN DISTRICT OF TEXAS**


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BRYAN KERR DICKSON,

Plaintiff,

*versus*

UNITED STATES OF AMERICA,

Defendant.

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CIVIL ACTION NO. 1:14-CV-250

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING THE  
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff, Bryan Kerr Dickson, an inmate formerly confined at USP Beaumont, proceeding *pro se*, filed this Federal Tort Claims Act (“FTCA”) against the United States of America.

The court has received and considered the Report and Recommendation of the magistrate judge filed pursuant to such order, along with the record, and pleadings (#149). Petitioner filed Objections to the Report and Recommendation (#150). This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).


The magistrate judge recommended Plaintiff’s claims under the FTCA be dismissed for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1) and/or for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). Plaintiff’s only objections appear to be twofold. One, that this court, sitting in the Beaumont Division of the Eastern District of Texas, somehow does not have jurisdiction over this case. The record belies this assertion and jurisdiction and venue have been and continue to be proper in the Eastern District of Texas, Beaumont Division. To the extent Plaintiff asserts the magistrate judge did not consider *Millbrook v. United States*, the record also does not bear out this assertion. 569 U.S. 50, 57 (2013). The

magistrate judge discusses *Millbrook* under the Law Enforcement Proviso section and analyzes the claims as required by *Millbrook* and *Dickson v. United States*, 11 F.4th 308, 314 (5th Cir. 2021) (#149, pg. 12).

**ORDER**

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the reports of the magistrate judge are **ADOPTED**. A final judgment will be entered in accordance with the recommendation of the magistrate judge.

SIGNED at Beaumont, Texas, this 27th day of February, 2024.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE